

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT
for
F.K. (Red) Starr

I. DECISION

It is my decision to issue a lease under 43 CFR 2920 to construct a staging /rest area for a recreational boat tour operation. Also, it is my decision to issue a special recreation permit under 43 CFR 8372 to conduct commercial recreation activities on or through public land along the Knik River. The mitigation measures that apply to a lease and a special recreation permit are incorporated as part of this decision.

II. RATIONALE FOR THE DECISION

The subject lands have been withdrawn by Public Land Order (PLO) 3324 of February 7, 1964 and are administered by the BLM for use as public recreation areas and for preservation of public recreation values. PLO 3324 is a protective withdrawal and the land is not used in connection with the administration of federal facilities. The lands are also withdrawn by PLO 6590 pursuant to Section 11(a)(1) of the Alaska Native Claims Settlement Act (ANCSA) and are available for selection and conveyance to Eklutna, Inc.

The lands are within the boundary of the Alaska Southcentral Planning Area Management Framework Plan (MFP), dated March 1980. The area, while in the boundaries of the Southcentral MFP, was never specifically addressed in the land use plan.

Eklutna, Inc. (Eklutna) has selected the township in which the subject lands are located pursuant to Section 12(a) of ANCSA. Eklutna is currently under selected by approximately 2,500 acres thereby making conveyance of the subject land highly likely. Based upon the status of Eklutna land selection surveys in the area, conveyance could occur as soon as FY 2001. The conveyance is not discretionary. Upon conveyance, PLO 6590 will revoke PLO 3324 as to any lands conveyed to Eklutna.

Eklutna has provided the applicant with their concurrence for his proposal and has indicated a willingness to negotiate a long term lease with him. The Lease will be offered for a term of five years or 60 days after Eklutna receives title to the land, whichever occurs first.

Under these circumstances, denial of the lease would not further any long term public purposes or programs nor would it serve the interests of the applicant or Eklutna.

III. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the analysis of the potential environmental impacts contained in the attached environmental assessment, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA SECTION 810 COMPLIANCE

The Decision will not significantly restrict subsistence uses, decrease the abundance of subsistence resources, alter the distribution of subsistence resources, or limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

/s/ Nick Douglas
Anchorage Field Manager

August 25, 2000
Date

2 Attachments

- 1 - Stipulations
- 2 - Environmental Assessment AK-040-EA00-010

STIPULATIONS

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Lessee, or any person working on his behalf, on public or Federal land will be immediately reported to the authorized officer. The Lessee will suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Lessee will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The access pathway from the parking lot to the foot path will be no more than ten feet wide. The foot path portion of the pathway will be no more than six feet wide.
3. The foot path will be an elevated walkway. The Lessee will construct it to protect the bank and riparian habitat.
4. All natural vegetation between the site and the ordinary highwater mark of the river bank will remain undisturbed and serve as a buffer. In addition, a 25-foot buffer strip between the parking area and the power line will be preserved. Any areas that are not cleared and used for the project must remain undeveloped with natural vegetation left in place.
5. The Lessee will not plant non-native plant species on the site.
6. Any vegetation removed from the project area will either be disposed of or stored at a site approved by the authorized officer. Wood cutting, outside the scope of construction and clearing, is not allowed.
7. All fires are restricted to fire pits or in an approved container. When there are warming fires, extinguishing equipment must be on hand. At minimum, this includes buckets, shovels, and access to water.
8. The portable restrooms will be pumped and cleaned regularly. Restrooms will be removed from the site during the off season.
9. During the operating season, the Lessee will remove garbage from the site to a Borough approved landfill on a daily basis. The site and its surrounding area must also be kept free of litter and debris. If an attendant is not on site, the garbage will be stored in bear proof containers.

10. During the off-season, the Lessee will remove garbage from the site to a Borough approved landfill at a minimum of once a week. The site and its surrounding area must also be kept free of litter and debris. The Lessee will provide bear proof containers for garbage.
11. Fuel will not be stored on site.
12. The authorized officer must approve the reclamation plan, in writing, prior to initiation of reclamation activities.
13. Upon expiration or earlier termination of the lease, the Lessee will follow the approved reclamation plan. This may include, but is not limited to, re-contouring, spreading topsoil over disturbed areas, and seeding with native vegetation.